



ARIZONA STATE SENATE
Fifty-Second Legislature, Second Regular Session

AMENDED
FACT SHEET FOR S.B. 1298

probation; juvenile; adult

Purpose

Modifies juvenile and adult probation requirements by adding possible activities, giving the court discretion in ordering juvenile intensive probation (JIPS) and altering certain monitoring activities.

Background

A juvenile probation officer must prepare a disposition summary report for every juvenile adjudicated delinquent, and may recommend to the court that the juvenile be granted JIPS (A.R.S. § 8-352). Additionally, if a juvenile is 14 years of age or older and is adjudicated as a repeat felony juvenile offender, the court must place him on JIPS or may commit him to the Arizona Department of Juvenile Corrections (A.R.S. § 8-341). Participants in JIPS must participate in one or more of the following activities for at least 32 hours each week: 1) school; 2) a court-ordered treatment program; 3) employment; or 4) supervised community restitution work (A.R.S. § 8-352).

Adult intensive probation supervision is a sentencing alternative for offenders who would otherwise be incarcerated in the Arizona Department of Corrections at initial sentencing or as a result of a technical violation of standard probation. Intensive probation is conditioned on the offender maintaining employment or full-time student status, paying restitution, remaining at the offender's place of residence with specified exceptions, taking drug or alcohol tests as required and performing at least 40 hours of community restitution each month (A.R.S. § 13-914). Statute requires the intensive probation team to exercise close supervision and observation of the person, including weekly contact with his employer (A.R.S. § 13-916).

If a person was convicted after November 1, 2006, of a dangerous crime against children and a term of probation was imposed, the court had to place the person on global position system (GPS) or electronic monitoring for the term of probation, which could include lifetime probation. In 2009, the law was limited to level three registered sex offenders; however, the bill was not retroactive (Laws 2009, Chapter 125). S.B. 1298 makes that provision retroactive.

According to the Arizona Supreme Court, the cost for standard juvenile probation is \$6.20 per day, while the cost for JIPS is \$37.64 per day. GPS monitoring is \$3.30 or \$4.15 per day for passive and active monitoring, respectively. The type of monitoring is determined based on risk assessment.

Provisions

Juvenile Probation

1. Allows, instead of requires, the juvenile court to place a juvenile who is 14 or older and is adjudicated as a repeat felony juvenile offender on JIPS.
2. Adds sexual offenses, DUI offenses and domestic violence-related offenses to those for which the court must provide the juvenile's fingerprints to the Department of Public Safety Arizona Automated Fingerprint Identification System.
3. Requires the fingerprints to be the juvenile's 10-print fingerprints.
4. Requires the JIPS programming to be approved by the court or probation officer.
5. Adds to the possible JIPS programming, activities that improve juveniles' pro-social skill development, including enhancing juveniles' relationships with their families.

Adult Probation

6. Permits an offender to maintain a combination of employment and student status to meet the conditions of intensive probation.
7. Allows offenders who are employed or in a treatment program approved by the court or probation department to be exempted or required to perform fewer hours of community restitution.
8. Requires the intensive probation team to verify the probationer's employment weekly, rather than contacting the employer weekly.
9. Eliminates the requirement for certain offenders to be on GPS or electronic monitoring if the court determines the defendant is:
 - a) in a secure facility; or
 - b) is physically incapacitated to the extent that such monitoring is unnecessary.
10. Applies the exemption to all persons who are required to have GPS or electronic monitoring, including those required on or before the general effective date.
11. Specifies that GPS or electronic monitoring does not apply, beginning on the general effective date, to a person who is on GPS or electronic monitoring who:
 - a) was convicted or found guilty except insane before July 13, 2009 of a dangerous crime against children;
 - b) at the time of conviction or finding of guilty except insane, was not required to register as a sex offender; and
 - c) was not classified as a level three offender.

Miscellaneous

12. Defines *secure facility* as a facility whose purpose is to prevent a person from leaving the facility because of the danger the person may present to oneself or the community.
13. Makes technical and conforming changes.
14. Becomes effective on the general effective date.

Amendments Adopted by Committee

- Makes a technical change by reinserting a provision that was inadvertently removed.

Senate Action

JUD 2/11/16 DPA 6-1-0

Prepared by Senate Research

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